

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CR 18-4176 JB

STERLING ISLANDS, INC.,
AL-ZUNI GLOBAL JEWELRY, INC.,
JAWAD “JOE” KHALAF,
NADER KHALAF,
NASHAT “NASH” KHALAF,
ZAHER MOSTAFA, and
TAHA “TOM” SHAWAR,

Defendants.

JOINT MOTION TO EXTEND DEADLINES

Come now, all parties, for good cause, and move the Court to extend Defendants’ expert notice and report disclosure deadline, Defendants’ Rule 12 motions deadline, and all parties’ *Daubert* motion deadlines. The parties move the Court to extend the expert disclosure and Rule 12 motion deadline two weeks, until July 19th, 2019, and the *Daubert* motion deadline accordingly.

1. On March 12, 2019, the Court filed the Proposed Scheduling Order [Doc. 42] (“Scheduling Order”). The Scheduling Order sets the deadline to disclose experts on May 24, 2019 and for *Daubert* motions on July 5. The Scheduling Order sets the deadline for motions under Rule 12 for July 5.

2. At the present time, the Court has extended Defendants' expert disclosure deadline to July 5. [Docket text of Doc. 75].

3. While previously granting all parties various extensions for Responses and Replies, all pending motions are fully briefed.

4. Defendants' anticipate filing at additional Rule 12 motion(s), but believe it might be counterproductive to file them at this time.

5. On June 3, 2019, the United States and counsel for Defendants met to discuss this proceeding and discuss potential pretrial resolution. Again, on June 17 and 18, 2019, after written communication from counsel for Defendants, the United States and counsel for Defendants continued their negotiations, making further progress. The parties worked towards a final resolution throughout June, but there are issues still being negotiated. The parties' discussions are ongoing and have been promising thus far.

6. The parties' counsels' discussion are ongoing. An extension of the deadlines requested will not cause any delay in the scheduled November trial in this matter. Thus, good cause exists to grant the relief requested in this motion.

7. For all of these reasons, under 18 U.S.C. § 3161(h)(7) and *United States v. Toombs*, 713 F.3d 1273 (10th Cir. 2013), the ends of justice are served by the two-week extension of the Rule 12 motion deadline, the additional two-week extension of the expert disclosure deadlines, and a related extension of the *Daubert* deadline, to allow the parties to continue the discussion in which they are currently engaged, outweigh the best interest of the public and the Defendants in adhering to the Scheduling Order's and Local Rules' deadlines, and

good cause exists to grant the extensions.

CONCLUSION

For good cause, because the two-week extensions requested will not delay any matters in this proceeding, and because the ends of justice served by granting the extensions outweigh the best interest of the public and Defendants in adhering to the current deadlines, the parties move the Court to extend for two weeks, until July 19, 2019, Defendants' deadline to file their expert notice(s) and to file their Rule 12 motion(s). The parties also request that the Court set *Daubert* motions deadlines accordingly.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, I filed the foregoing pleading electronically through the CM/ECF system, which caused all parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

By /s/ Hope Eckert
Hope Eckert